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21 Attorneys for Defendant

22 **IN THE UNITED STATES DISTRICT COURT**  
23 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
24 **SAN FRANCISCO DIVISION**

25 VECTREN COMMUNICATIONS  
26 SERVICES, an Indiana corporation,

27 Plaintiff,

28 vs.

CITY OF ALAMEDA,

Defendant.

No. C 08-03137 SI

**STIPULATION AND ORDER TO  
CONTINUE HEARING ON  
MOTION FOR SUMMARY JUDGMENT  
AND CORRESPONDING BRIEFING  
SCHEDULE**

Honorable Susan Illston

1 WHEREAS,

2 A. Defendant City of Alameda (City) anticipates bringing a motion for summary  
3 judgment on the grounds that the claims of plaintiff Vectren Communications Services, Inc.  
4 (Vectren) are barred by the statute of limitations. Under its Pretrial Preparation Order of October 8,  
5 2008, the Court reserved February 13, 2009, for the hearing on the City's anticipated summary  
6 judgment motion; as a result, the current deadline for filing the motion is January 9, 2009.

7 B. In preparation for the motion, the City has propounded a request for production of  
8 documents on Vectren, as well as a corporate designee deposition, presently scheduled for  
9 December 9 and 10, 2008. Vectren has propounded its own requests for production of documents  
10 and plans on taking additional discovery.

11 C. Vectren has advised the City that it will be unable to complete its production of  
12 documents by December 9, when its corporate deposition is scheduled to begin. The City also may  
13 not be able to complete its production of documents within the same time frame. Both the City and  
14 Vectren wish to complete their document productions before the deposition commences.

15 D. To allow discovery and depositions to be completed before the deadline for filing the  
16 City's anticipated summary judgment motion, it is necessary to adjust the date reserved for hearing  
17 of the motion. A continuance of the hearing and corresponding adjustment of the briefing schedule  
18 will promote the parties' mutual goal of avoiding duplicative discovery procedures and unnecessary  
19 intervention by the Court.

20 ACCORDINGLY, the City and Vectren hereby agree as follows:

21 1. The deposition of Vectren under FRCP Rule 30(b)(6), currently scheduled to  
22 commence on December 9 and 10, 2008, shall be continued to commence on **February 4 and 5,**  
23 **2009.** The City shall maintain its priority in the scheduling of this deposition over any depositions  
24 that may be noticed by Vectren.

25 2. The hearing of the City's anticipated motion for summary judgment shall be  
26 continued from February 13, 2009, to **April 17, 2009, at 9:00 a.m.,** or to the soonest date and time  
27 thereafter that is available on the Court's calendar.  
28

3. The briefing schedule for the City's motion shall be as provided for in Northern District Local Rules 7-2 and 7-3, with moving papers filed not less than 35 days prior to the hearing date, and opposition and reply papers filed not less than 21 and 14 days prior to the hearing date, respectively.

DATED: December 2, 2008

WULFSBERG REESE COLVIG & FIRSTMAN  
PROFESSIONAL CORPORATION

By /s/ Gregory R. Aker

Gregory R. Aker

Attorneys for Defendant  
CITY OF ALAMEDA

DATED: December 2, 2008

BARTO ZANKEL  
PROFESSIONAL CORPORATION

By /s/ Robert H. Bunzel

Robert H. Bunzel

Attorneys for Plaintiff  
VECTREN COMMUNICATIONS SERVICES, INC.

**ORDER**

Good cause appearing, IT IS HEREBY ORDERED:

1. A hearing on the City's anticipated motion for summary judgment shall be reserved on the Court's calendar for <sup>23</sup>April 17, 2009, at 9:00 a.m. The reserved hearing date of February 13, 2009, at 9:00 a.m., shall be taken off calendar.

2. The briefing schedule for the City's motion shall be as provided by Local Rules 7-2 and 7-3, with moving papers filed not less than 35 days prior to the hearing date, and opposition and reply papers filed not less than 21 and 14 days prior to the hearing date, respectively.

DATED: December \_\_\_\_, 2008



The Honorable Susan Ilston  
U.S. District Judge